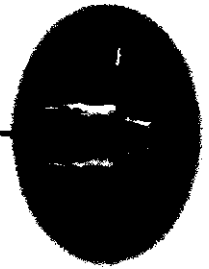


Town of Indian Shores

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TOWN COUNCIL MEETING

MINUTES - NOVEMBER 8, 2011

INDIAN SHORES TOWN COUNCIL MEETING convened at 6:00 P.M. Those present were Mayor Lawrence, Vice Mayor Herndon, Councilor Smith, Councilor Sutch and Councilor Irelan.

Also Present: Attorney Yacavone; Chief Williams, Town Administrator; Marcia Grantham, Town Clerk; Mary Karayianes, Director of Finance; Lawrence Nayman, Building Official.

**** PRESENTATION TO SERGEANT LEO YATES.**

Mayor Lawrence presented Sgt. Leo Yates a framed Certificate of Appreciation in recognition of over 29 years of loyal service to the Town and its citizens.

Chief Williams presented Sgt. Leo Yates with a retirement badge and ID, together with a plaque and commemorative duty weapon.

Shirley Miaoulis, representing Congressman Bill Young's office, presented Sgt. Leo Yates with a flag that had flown over the Capitol.

Sgt. Yates stated there had been good and bad times during his career, and that he appreciated everybody he works with, the many Fire Department employees who were present and the citizens of the Town.

James J. Lawrence
Mayor

Joan G. Herndon
Vice Mayor

Carole Irelan
Councilor

Steve Sutch
Councilor

William F. Smith
Councilor

E.D. Williams
Town Administrator
Chief of Police

Mary Karayianes
Director of Finance
and Personnel

Marcia Grantham
Town Clerk

James Yacavone
Town Attorney

Lawrence G. Nayman
Building Code
Administrator

1.0 REGULAR COUNCIL MEETING

1.1 Consideration of approving Council Agenda for November 8, 2011.

MOTION by Councilor Irelan -- seconded by Vice Mayor Herndon -- to approve Council Agenda for November 8, 2011 as amended, to add Agenda Item 1.6.1 to consider closing Municipal Center on 12/23/2011, and awarding the standard holiday pay to employees. **Motion carried 5-0.**

1.2 Consideration of approving "CONSENT AGENDA", as follows:

A. <u>MINUTES:</u>	Council	-	10/25/2011
	Workshop	-	11/1/2011
	Admn. & Fin. Com.	-	11/1/2011

MOTION by Councilor Irelan -- seconded by Vice Mayor Herndon -- to approve "Consent Agenda" covering Minutes, as published. **Motion carried 5-0.**

B. RE-OCCURRING EXPENSES: (Resolution 7-2008)

From 10/7/2011 thru 10/25/2011.

MOTION by Councilor Irelan -- seconded by Councilor Smith -- to approve "Consent Agenda" covering Re-Occurring Expenses, as published. **Motion carried 5-0.**

1.3 APPROVAL of Committee expenditures: Admn. & Fin. Com.: (11/1/2011:
(1) Maintenance Agreement covering Sound System with AVI - \$1,920.00.
(2) Change Orders #CO1E and CO2B covering additions to the Sound System with AVI totaling \$1,256.00.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve expenditures of Administrative and Finance Committee on 11/1/2011 in the amounts of \$1,920.00 and \$1,256.00, as published. **Motion carried 5-0.**

1.4 CORRESPONDENCE: NONE

1.5 Town Attorney's Report.

Attorney Yacavone reported filing a Motion to Limit in the Chapman lawsuit, which resulted in two (2) witnesses being stricken and limited the issues, advising it may have had some effect as Mr. Chapman had met with the Building Official.

1.6 PUBLIC HEARING: First Reading of proposed ORDINANCE 2011-5, amending the Code of Ordinances by amending § 26-76 to eliminate the Town's authority to suspend the sale, dispensing or transportation of firearms during a state of emergency, by repealing §50-2 which makes it unlawful to discharge a firearm in a public place or within the Town limits, and by amending § 54-6 to eliminate the prohibition against firearms in public parks; providing that conflicting provisions of ordinances be repealed; providing that conflicting provisions of ordinances be repealed; providing for an effective date; providing for the uniform numbering system of the Indian Shores Code.

Attorney Yacavone conducted the first reading of proposed Ordinance 2011-5, by reading the title in full.

Attorney Yacavone reported this type of ordinance is being widely adopted by cities, as the Florida Statutes pre-empted local governments from enforcing this ordinance. He further reported if a public servant attempts to enforce the local ordinance the person has the right to sue that individual and the government cannot spend money to defend, and there are fines that can be levied also.

Attorney Yacavone stated that governments cannot regulate firearms at a local level.

Chief Williams stated it can result in a fine that can punish the Police Chief for something that was done to protect the public.

MOTION by Councilor Smith seconded by Councilor Sutch -- to approve First Reading of proposed Ordinance 2011-5, by title only. Motion carried 5-0.

1.6.1 Consideration of approving closing the Municipal Center on 12/23/2011, and paying the standard holiday pay for employees.

MOTION by Vice Mayor Herndon – seconded by Councilor Sutch – to approve Agenda Item 1.6.1, as presented. Motion carried 5-0.

- 1.7 Consideration of approving adding new Section 8.J to the Town's Personnel Manual covering "Leave Pool".**

Chief Williams reported this was a bargained item with the Union.

**MOTION by Councilor Smith -- seconded by Councilor Sutch -- to approve adding new Section 8.J to the Town's Personnel Manual covering "Leave Pool".
Motion carried 5-0.**

- 1.8 Consideration of approving appointment to Seat #6 on the Board of Adjustment, with term expiring on 10/28/2013, as a result of the resignation of James Sanderbeck.**

Mayor Lawrence reported he had not been able to find a replacement, nor had any of the other Council members, and this item will be re-scheduled for the December Council meeting.

- 1.9 Consideration of approving Purchase Order #2620 in the amount of \$17,390.00, covering demolition of the old Town Hall building.**

MOTION by Councilor Smith -- seconded by Councilor Irelan -- to approve Agenda Item 1.09, covering expenditure of \$17,390.00 for demolition of old Town Hall building. Motion carried 5-0.

- 1.10 Consideration of approving piggy-backing on the County's Contract No. 101-0124-M, and enter into an annual contract with Buccaneer Landscape Management for \$15,606.00.**

Chief Williams reported he had shopped this item with two different vendors, noting the cost varied as much as \$10,000.00. He further reported Buccaneer had worked on the medians before and done a good job. He advised some money had been appropriated in re-organizing the Public Services Department, and recommended approval.

MOTION by Vice Mayor Herndon -- seconded by Councilor Smith -- to approve Agenda Item 1.10, covering expenditure of \$15,606.00 for annual contract with Buccaneer Landscape Management. Motion carried 5-0.

1.11 Consideration of approving Financial Statements for the periods ending September 30, 2011 and October 31, 2011.

Mary Karayianes, Director of Finance, reported the month of September is unaudited, noting she is still working with spread sheets and preliminary figures.

The Director of Finance also reported the month of October is very preliminary, as tax revenue has not yet been received, and most has been accrued to last year, and she stated the Town is in good financial condition.

MOTION by Councilor Smith – seconded by Councilor Irelan – to accept Financial Statements for the periods ending September 30, 2011 and October 31, 2011, and hold for audit. Motion carried 5-0.

1.12 Consideration of approving Police Activity Report covering the month of October 2011.

Chief Williams reported that criminal reports, police activity reports and arrests were up, with a reduction in everything else, and noted it was a slow month with calls for service down.

MOTION by Councilor Smith – seconded by Councilor Sutch – to approve Police Activity Report covering the month of October 2011. Motion carried 5-0.

1.13 Update Report on status of construction of the new Municipal Center.

Chief Williams reported on the following items: 1) Hennessy has re-mobilized with one person on site; 2) R.E. Beckner working on parking lot and should be completed about 11/17/2011, and have coordinated with Progress Energy to follow-up with the lighting and landscaping at the end, as County will not allow reclaimed water to be on until all landscaping is in; 3) Work continuing on kinks with security and there is a class tomorrow on the A/C units, and tackling the issues one at a time; 4) Project Manager Brad Kuntz will be on-site tomorrow to discuss the punch list regarding outstanding items; 5) Paid last draw on the building, less accumulated light bill of about \$10,000.00, and looking into the future received a notice from Hennessy that they are challenging the comments by ARC III regarding liquidated damages i.e., change orders #29, #30 and #31 totaling \$322,364.22, noting liquidated damages as of 11/11/2011 are approximately \$380,000.00;

6) Preparing to activate our people in a more formal setting for the final stages of negotiations, and noted he will be sending a letter to Mr. Bronson at Hennessy, offering to meet one on one, and believe they are responsible for a delay of 190 days on the project; 7) Flag pole has been moved to the back as someone has tried to steal part of, probably thinking it was brass.

1.14 Town Administrator's Report.

Chief Williams reported on the following items: 1) Working on the mowing contract and met with R.E. Beckner about parking for 198th and 199th Avenues, and will hold off on 200th Avenue until sewer retrofit work completed; 2) Cleaning out the back area and playground area, and have met with vendor to resurface the tennis courts; 3) Relocating some vegetation at 196th Avenue W., and not having good luck with the Indian Hawthorne; 4) Meeting tomorrow with the landscaper for the parking lot and all should be completed by 12/1/2011.

**** Fire Board Commissioner Larry Schear** reported the following items:

1) Chief Polk received message from ISO, and they will retain their level three (3) for the next year; 2) Number of service awards presented from volunteers to full time covering 10, 15, 20 and 30 year awards; 3) Met with city of St. Pete regarding the EMS issue, noting there were five (5) different proposals and one was discounted.

Mayor Lawrence stated the time level was compressed, due to the fact that if Sun Star is to be released a decision is needed by the end of the year.

1.15 Citizens' Comments on any subject.

1) **Anne Miller, resident,** announced the Property Owners' "happy hour" would be tomorrow evening at 5:30 P.M. at Mickey Quinn's.

1.16 Mayor's and Council Members comments on any subject.

Councilor Irelan reported the Womens' Club had a nice meeting with about 30 people and that Katrina from Sand Glo was present and advised that former Mayor Janet Hoppe was in a nursing home.

Councilor Irelan further reported the Library would hold a Read and Feed on 11/2/2011 at noon, and review the book titled "Angry Housewives Eating Bon Bons". She also reported the Womens' Club would hold their Christmas dinner on 12/8/2011 and the Boat Parade would be held on 12/10/2011, with the Library holding an open house on 12/15/2011.

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Councilor Sutch reported he received a call from Plant High School that there was miscommunication about rides and that is why so many students missed the Coastal Clean-up, however 3 students did show up. **Councilor Sutch** also reported that Tiki Park is still looking good.

Councilor Smith thanked Sgt. Yates for 29 years and 5 months of service to the Town of Indian Shores.

Vice Mayor Herndon reported attending the Suncoast League meeting in Temple Terrace and will have a report at the Public Services Committee meeting scheduled for 11/15/2011 at 2:00 P.M.

Mayor Lawrence reported the Mayor's election was coming up in March 2012, with the first week of December being the qualifying period.

Mayor Lawrence reported the Mayors' Council Christmas luncheon would be held on 12/7/2011 at the Yacht Club in Treasure Island.

Mayor Lawrence advised he had a TDC meeting tomorrow morning and Thursday morning an EMS meeting, and noted he would be out of town next week.

Mayor Lawrence stated he was planning a Boat Parade party on 12/10/2011 for Town residents to view the new Municipal Center.

Mayor Lawrence stated he is contemplating moving the ribbon cutting ceremony to sometime in January 2012, and has requested Congressman Young's schedule for January.

Mayor Lawrence reported that each year County Commissioner Morroni holds a fund raiser at the Carillion Hilton, if anyone is interested in attending, and offered this pass to any interested Town official.

Mayor Lawrence advised he had to pass on the Veteran's Day ceremony, as he has to be in Pasco County and the Municipal Center will be closed also.

INDIAN SHORES TOWN COUNCIL MEETING adjourned at 7:00 P.M.


MARCIA GRANTHAM, CMC
Town Clerk